

Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (Recast version)

CHAPTER 2

REQUIREMENTS FOR PROPAGATING MATERIAL AND FRUIT PLANTS

Article 3

General requirements for placing on the market

- 1 Propagating material and fruit plants may only be marketed if:
 - a the propagating material has been officially certified as ‘pre-basic material’, ‘basic material’ or ‘certified material’ or if it meets the conditions to be qualified as CAC material;
 - b the fruit plants have been officially certified as certified material or they meet the conditions to be qualified as CAC material.
- 2 Propagating material and fruit plants which consist of a genetically modified organism within the meaning of points 1 and 2 of Article 2 of Directive 2001/18/EC shall be placed on the market only if the genetically modified organism has been authorised pursuant to that Directive or pursuant to Regulation (EC) No 1829/2003.
- 3 Where products derived from fruit plants or propagating material are intended to be used as or in food falling within the scope of Article 3 or as or in a feed falling within the scope of Article 15 of Regulation (EC) No 1829/2003, the propagating material and fruit plants concerned shall be placed on the market only if the food or the feed derived from this material has been authorised pursuant to that Regulation.
- 4 Notwithstanding paragraph 1, Member States may authorise suppliers on their own territory to place on the market appropriate quantities of propagating material and fruit plants intended:
 - a for trials or scientific purposes;
 - b for selection work; or
 - c to help preserve genetic diversity.

The conditions under which Member States may grant such authorisation may be adopted in accordance with the procedure referred to in Article 19(2).

Article 4

Specific requirements for genus and species

In accordance with the procedure referred to in Article 19(3), specific requirements for each genus or species referred to in Annex I shall be established, specifying:

- (a) the conditions with which CAC material must comply, in particular those relating to the propagation system applied, to the purity of the growing crop, plant health, and, except in the case of rootstocks, where the material does not belong to a variety, to varietal aspects;

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- (b) the conditions with which pre-basic, basic and certified material must comply, relating to quality (including, for pre-basic and basic material, methods for the maintenance of the identity of the variety and, where applicable, of the clone, including the relevant pomological characteristics), plant health, the testing methods and procedures applied, the propagation system(s) applied and, except in the case of rootstocks where the material does not belong to a variety, to varietal aspects;
- (c) the conditions with which rootstocks and other parts of plants of genera or species other than those listed in Annex I, or their hybrids, must comply if propagating material of the genus or species listed in Annex I or their hybrids is grafted onto them.